REMARKS

This is a full and timely response to the non-final Official Action mailed **December 15, 2004**. Reconsideration of the application in light of the following remarks is respectfully requested.

In the present paper, various claims are amended. These amendments are either to correct minor informalities or to recast the amended claim into independent form. No claims are cancelled or added in the present paper. Thus, claims 1-103 are pending for further consideration

In the recent non-final Office Action, the Examiner has indicated the presence of allowable subject matter in claims 7-22, 28, 29, 32-34, 36-39, 46-65, 72-98 and 103, and stated that these claims would be allowed if rewritten in independent form. Applicant wishes to thank the Examiner for this indication of allowable subject matter.

Accordingly, claims 7, 9, 37, 46, 47, 63, 72, 73, 89 and 103 have each been amended herein and rewritten as independent claims. Consequently, based on the Examiner's finding of allowable subject matter in these claims, claims 7-22, 32-34, 37-39, 46-56, 63-65, 93-98 and 103 should now be in condition for allowance. Notice to that effect is respectfully requested.

The sole issue raised in the recent non-final Office Action is a rejection of claims 1-6, 23-27, 30, 31, 35, 40-45, 66-71 and 99-102 as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent Application Publication No. 2003/0015983 to Montero et al. ("Montero). For at least the following reasons, this rejection is respectfully traversed.

Claim 1 has been amended herein to make explicit that the system is monitoring the actual power consumption[1] of the electronic component and not some other variable that follows power consumption. Accordingly, claim 1 now recites:

> A localized system for dissipating heat generated by an electronic component, said system comprising:
> a controllable cooling element; and
> a control system for controlling said cooling element;
> wherein said control system monitors actual power consumption of said electronic component and adjusts a speed of operation of said cooling element in response to variations in power consumption of said electronic component.

(emphasis added).

Independent claims 40 and 66 have also been amended to recite the same monitoring of power consumption now recited in claim 1. Specifically, claim 40 recites "monitoring actual power consumption of said electronic component." Claim 66 recites "means for directly monitoring power consumption of said electronic component." Similarly, unamended claim 102 recites a control system that "monitors power consumption of said electronic component."

In contrast, Montero fails to teach or suggest a control system or method that adjusts the speed of operation of a cooling element, such as a fan, based on variations in the power consumption of an electronic component being cooled. Montero teaches a system in which the *temperature*, rather than the power consumption, of an electronic component, i.e., a CPU,

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[1] As explained previously, the purpose of controlling the cooling element in response to the power consumption of the electronic component is explained, for example, in paragraph 0040 of Applicant's specification.

> **[0040]** Because the control system monitors the power that is consumed by the IC (100) with the control function (120c), the control system may preemptively increase the RPM of the cooling element (101) and dissipate the heat as [it] is produced instead of waiting for the temperature to increase before cooling the IC (100). In other words, monitoring the IC's (100) power consumption enables the control system to predict the amount of heat that will be generated by the IC (100) and accordingly adjust the cooling element (101) to compensate for the increased heat.

is monitored. Based on the temperature of the CPU, one or two fans are operated at variable speeds to cool the CPU. (*See, for example,* Montero, page 4, Tables 1, 2 and 3 and accompanying text). Montero does not teach or suggest monitoring *power consumption* and adjusting fan speed based on power consumption. Consequently, Montero merely represents the prior art addressed in paragraph 0004 of Applicant's specification.

Therefore, Montero does not teach or suggest monitoring the power consumption of an electronic component. Montero does not teach or suggest adjusting the speed of operation of a cooling element for an electronic component based on that component's power consumption as claimed.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. Therefore, for at least this reason, the rejection based on Montero should be reconsidered and withdrawn.

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

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CERTIFICATE OF MAILING

DATE OF DEPOSIT: March 14, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated above in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rebecca R. Schow